

Proposed Decision Options. The table included at the end of this paper includes a list of types of CALFED Program decisions and actions, along with a proposed decision protocol for each decision or action. The table includes some of the general oversight functions of both an interim and long-term CALFED governing entity (as described in the draft Governance Plan in the Phase II Report, pp. 45-48). The table also includes a list of some of the pre-ROD administrative and legal decisions the Policy Group must make, with proposed decision rules. Finally, the table includes some of the program-level actions or decisions to which the Policy Group committed in the revised Phase II Report.

4. *What should be the membership criteria for Policy Group and what agencies should be members? What should the role of each member be? Should all members be voting members?*

Issues/concerns. As the CALFED Program develops more defined decision-making protocols, it will need to clarify its membership and the role the members have in decision-making. Defining the membership/participants and their responsibilities is necessary to provide accountability of the program to the public and the legislatures. Clarifying memberships and roles will also increase the efficiency of the decision-making process.

Background. Currently there are 6 state participating agencies (Resources Agency, DFG, DWR, Cal-EPA, SWRCB and DFA) and 11 federal participating agencies (DOI, USFWS, USBR, USGS, BLM, USEPA, NMFS/NOAA, NRCS, USACE, USFS, WAPA). For NEPA/CEQA purposes, state and federal lead agencies have been designated. The federal membership has been based on the ClubFED MOA, which may not be current with the federal agencies that are participating.

Options for Membership Criteria. CALFED membership/participation could be divided by general membership and by voting membership-- if one of the decision-making protocol(s) chosen for the Policy Group is voting.

General Membership Criteria--

- State or federal agency is either directly involved in CALFED Program planning and implementation or directly affected by CALFED actions.
- Support of the CALFED mission, goals, and objectives
- Willingness to coordinate with CALFED regarding it's agency activities/programs/funding to meet CALFED objectives and priorities

Voting Membership Critieria (all of the above plus)

- Legally designated lead agency for NEPA/CEQA

Possible Additions to General Membership. In addition to the existing participating agencies consider adding:

Federal: BIA,

State: DHS, DPR, DOC, DOF, CDF

Proposed Voting Membership:

7 Federal agencies-- DOI, USFWS, USBR, USEPA, USACE, NMFS, NRCS

7 State agencies-- Res. Agency, DFG, DWR, CAL-EPA, SWRCB, CDFA, DHS

5. *How should stakeholders be involved in CALFED in the interim?*

Issues/concerns. Stakeholders and BDAC members have expressed strong concern that the current structure for stakeholder involvement is not adequate. There is concern that advice/recommendations made in BDAC Work Groups and at BDAC never reaches Policy Group, and if the information is conveyed to Policy Group, it is not effectively communicated and discussed. Stakeholders and BDAC have made requests for public Policy Group meetings and Joint BDAC and Policy Group meetings to provide for more effective communication with BDAC, stakeholders, and the public. Public meetings would increase the transparency of the process, increase the understanding of how agreements and decisions are made by the Policy Group, and possibly increase the level of trust in the process. A more open decision-making process in the interim may also reduce the demand for stakeholder membership on a long-term oversight entity.

Actions to Consider. CALFED has already committed to one joint BDAC and Policy Group meeting each year to review the performance of the program, and CALFED has agreed to make the next Policy Group meeting a public meeting. In addition, CALFED needs to decide:

- How many public Policy Group meetings should be held each year, or at least identify the minimum number per year. This includes deciding which public meetings are joint BDAC /Policy Group meetings, and which are Policy Group meetings with BDAC participation or attendance.
- The types of decisions and topics that should be discussed in the public meetings
- The role of the public, stakeholders and BDAC at the public meetings. For Policy Group, if any non- agency representatives participate in the meeting it is probably most appropriate to include a small group of BDAC members as ex-officio members.